REMARKS

The specification has been editorially revised. Claims 1-22 remain in the application. Claims 1-4, 8, 9 and 15-22 are rejected under 35 U.S.C. § 102 as being anticipated by Ijtsma. Reconsideration is respectfully requested.

The present invention relates to a recording medium, such as the one shown in Fig. 3A, that has a predetermined spare area SA2 and a temporary spare area TSA2. Data from a user data area is reallocated to the predetermined spare area SA2, and the reallocated data is copied from the predetermined spare area SA2 to the temporary spare area TSA2. According to one aspect of the invention, a recording apparatus updates the temporary spare area TSA2 by copying the reallocated data from the predetermined spare area SA2 to yet another portion of the user data area. See Fig. 3B ("Update TSA2"). The updating may be in response to a data change in the temporary spare area (Fig. 4, S3) or in the predetermined spare area (S4-5), although the claimed invention should not be limited to the preferred embodiments described and shown in the specification and drawings.

The recording apparatus of claim 1 has an updating unit which updates a temporary spare area by copying reallocated data from a predetermined spare area to another portion of the user data area. Ijtsma fails to disclose or suggest the updating unit of claim 1. The Ijtsma system merely provides an original location and a spared location for data to be spared (¶ 0056). Please refer to ¶¶ 0045-0048. For sectors 16 and 17, Ijtsma provides an original location near a lead in area (Fig. 9A) and a spared location within "packet 1 replaced" (Fig. 9B). Ijtsma does not provide the temporary spare area of claim 1, which is in addition to the recited predetermined spare area.

Moreover, Ijtsma does not update a temporary spare area by copying reallocated data from a predetermined spare area to another portion of the user data area.

These are important aspects of the invention of claim 1. They are not disclosed or suggested by Ijtsma. Consequently, the rejection of claim 1 should be withdrawn. Claims 2-8 depend from claim 1 and should be allowable along with claim 1 and for other reasons.

The apparatus of claim 9 generates a temporary spare area by copying reallocated data from a predetermined spare area. The apparatus also has a unit which resumes formatting in response to a data change in one of the temporary and predetermined spare areas. Please refer, for example, to Fig. 5, S22-26. Ijtsma does not disclose or suggest the temporary spare area recording unit of claim 9, nor does it disclose or suggest the recited resuming unit.

As noted above, the Ijtsma system does not generate a temporary spare area. There is no reallocation of data from a predetermined spare area to a temporary spare area. Ijtsma only has the original and spared locations. Moreover, Ijtsma (including ¶ 0057) says nothing about resumption of formatting "in response to a data change" in temporary or predetermined spare areas. These are important aspects of the claimed invention. Consequently, claim 9 should be considered allowable, and dependent claims 10-14 should also be allowable for at least these reasons.

Claims 15-22 recite limitations similar to those discussed above in connection with claims 1 and 9, and should be allowable for those and other reasons.

Allowance of the application with claims 1-22 is respectfully solicited.

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